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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,121	07/14/2003	Manfred W. Staebler	THE 0244CON	6865

7590

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John T. Winburn
BSH Home Appliances Corporation
100 Bosch Blvd
New Bern, NC 28562

EXAMINER

PAIK, SANG YEOP

ART UNIT

PAPER NUMBER

3742

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,121

Applicant(s)

STAEBLER ET AL.

Examiner

Sang Y Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 5-8 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/7/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gould Jr. (US 3,974,472) in view of Hoffmann (US 5,155,338) or Henry et al (US 5,357,079).

Gould shows a cooktop control for a glass ceramic cooktop further having a first set of indicia formed in a pattern matching burners with associated displays and switches, a second set of indicia having the display and a plurality of power level switches for selectively activating a power level for each of the selected burner, a circuit associated with the first and second indicia comprising a processor activating and deactivating the burner in response to the first and second indicia. However, Gould does not show that the claimed indicia for the cooktop control are provided on a cooktop panel.

Henry and Hoffman show that it is well known in the art to provide the control displays and switches on the glass cooktop panel as an alternative arrangement. In view of Henry or Hoffman, it would have been obvious to one of ordinary skill in the art to adapt Gould with the control indicia provided on the glass cooktop panel as an alternative arrangement to more conveniently allow the user to control the burners.

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3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gould in view of Hoffmann or Henry as applied to claims 1 and 2 above, and further in view of Rice et al (US 6,198,080).

Gould in view of Hoffmann or Henry shows the structure claimed except the second indicia having a separate warming display with an associated power switch.

Rice et al shows a burner element that is designated as a warm element operating at a reduced power range with a display and associated power switches. In view of Rice, it would have been obvious to one of ordinary skill in the art to adapt Gould, as modified by Hoffmann or Henry, with a separate warming display with an associated power level switch to provide a low level heating surface for the convenience of the user.

4. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gould in view of Hoffmann or Henry as applied to claims 1 and 2 above, and further in view of Welch et al (US 4,121,204).

Gould in view of Hoffmann or Henry shows the structure claimed except having a single set of indicia formed in a circular arc or ring.

Welch et al shows a power setting indicia having a display and a plurality of switches. Welch et al further shows that the power setting indicia can be formed in a circular arc or ring. In view of Welch et al, it would have been obvious to one of ordinary skill in the art to adapt Gould, as modified by Hoffmann or Henry, with the second indicia having a substantially circular arc or ring to provide an aesthetically more appealing form or shape for the user.

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5. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gould in view of Hoffmann or Henry and Welch as applied to claims 4 and 10 above, and further in view of Rice (US 6,198,080).

Gould in view of Hoffmann or Henry and Welch shows the structure claimed except the second indicia having a separate warming display with an associated power switch.

Rice shows a burner element that is designated as a warm element operating at a reduced power range with a display and associated power switches. In view of Rice, it would have been obvious to one of ordinary skill in the art to adapt Gould, as modified by Hoffmann or Henry and Welch, with a separate warming display with an associated power level switch to provide a low level heating surface for the convenience of the user.

Allowable Subject Matter

6. Claims 5-8 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sang Y Paik
Primary Examiner
Art Unit 3742

syp